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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER FIGUEROA, MARISOL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/609,308	Applicant(s) CAMPBELL, DAVID T.	
	Examiner Marisol Figueroa	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-24, 26 and 37-48 is/are pending in the application. .
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-24, 26, and 37-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 18-24, 26, and 37-48 have been fully considered but they are moot based in new grounds of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 38-48** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed term "computer-readable medium having computer-executable instructions" is considered to include the possibility of non-statutory matter.

A "computer readable medium encoded with or having stored a computer program" is normally considered to define structural and functional interrelationships between the computer program and the computer software and hardware components which permit the computer's program functionality to be realized and is thus normally statutory. Consequently, the claimed

term “machine readable medium having executable computer instructions” is considered to include the possibility of non-statutory subject matter as compared to a “computer readable medium encoded with a computer program”.

In order to overcome this rejection, it is respectfully requested to amend the claims to recite a “computer readable medium having stored computer-executable instructions” or a “computer readable medium encoded with computer-executable instructions”.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 18-24 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 recites the limitations of “an antenna module to receive multiple radio frequency (RF) signals; an analog to digital converter executable on the processor and configured to convert the RF signals to digital signal information;... determine from the digital signal information available wireless and wired communication services to the user; a GPS module configured to receive RF signals from GPS satellites through the antenna module”. However, it is not clear whether the RF signals from which available wireless and wired communication services are determined are the same to the RF signals received from GPS satellites. Clarification is respectfully requested. For purposes of examination, these two set of RF signals are considered the same.

Claim Rejections - 35 USC§102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 37 and 43** are rejected under 35 U.S.C. 102(e) as being anticipated by CONTRACTOR (US 7.006.833 B1).

Regarding claims 37 and 43, Contractor discloses a method (and a computer-readable medium) of locating a wireless communication device comprising:

storing location of communication networks available to a user (col. 1, lines 50-67; col. 2, lines 24-32; col. 7, lines 60-67; the system stores multiple subscriber designators corresponding to telephone numbers, email addresses, Internet Protocol addresses, or other addresses capable of identifying a communication device in a particular network (i.e., available wired or wireless networks) and their locations);

determining available wireless and wired communication networks to the user (col. 7, lines 57-67), wherein the communication networks are associated with other communication devices (note that it is well known in the art that communication networks are associated with a plurality of subscribers, and therefore, associated with other communication devices belonging to the same user or other subscribers);

receiving GPS satellite signals which indicate location of the wireless communication device (col. 2, lines 1-11);

determining available communication services to the user based on the location of the wireless communication device; determining whether an available communication service is to be used based one or more of the following user defined conditions of time of day and location; selecting an acceptable available communication service; and forwarding calls to the acceptable available communication service (col. 7, line 49-col. 8, lines 1-9; the location of a subscriber is determined and the location is compared with predetermined designators (i.e., available communication services), one is selected based on the to the proximity with the subscriber's location and calls are forwarded to the selected designator).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claim 26** is rejected under 35 U.S.C. 103(a) as being obvious over Souissi et al. (US 6,167,268) in views of Akhteruzzaman et al. (US 6,584,316 B1), and Gupta (US 2003/0022701 A1), and Contractor (US 7,006,833 A1).

Regarding claim 26, Souissi discloses a wireless communication device comprising:

a processor (Fig. 2; col.3, lines 56-60; processor 43);

an antenna module configured to receive multiple radio frequency (RF) signals (col.3, lines 36-41; the subscriber unit intercepts messages, i.e. RF signals, via antenna 204 and satellite signals are intercepted by GPS receiver 242);

an analog to digital converter executable on the processor and configured to convert the RF signals to digital signal information used by the processor (it is noted that this is inherent because the mobile station's processor operates on digital data and the antenna receives analog signals and therefore it is necessary an A/D converter to convert the RF signals to digital signal information);

instructions stored in a memory (col.3, lines 56-60) executable on the processor to store location communications network available to a user and determine from the digital signal information available wireless communication networks to the user (col.4, lines 9-21, 28-32; p.0023, lines 8-23; p.0024, lines 1-4; col.4, lines 64-col.5, lines 1-35; the subscriber unit comprises a memory with a system location database 226 including system identifiers and location coordinates of wireless systems of interest to the subscriber unit, the subscriber unit can determine its location through signals received from GPS satellites and then select a system from the database according to the current location of the subscriber unit); wherein the communication networks are associated with other communication devices (note that it is well known in the art that communication networks are associated with a plurality of subscribers, and therefore, associated with other communication devices belonging to the same user or other subscribers); and

a GPS module configured to receive RF signals from GPS satellites through the antenna module and analog to digital converter indicating location of the wireless communication device

(col.3, lines 53-55; col.4, lines 66-col.5, lines 1-2; col.5, lines 17-21; the subscriber unit equipped with a GPS receiver determine its position from the reception of signals from GPS satellites).

But, Souisii does not particularly disclose determining available wired communication network available to the user; and wherein the instructions are further comprised of a map that indicates to a user relative location of the wireless communication device.

However, Akhteruzzaman teaches a system for determining available wired communication networks available to a user (abstract; col.2, lines 5-44; Akhteruzzaman teaches a subscriber's wireless terminal that stores directory numbers of wireline terminals available (i.e., wired communication networks) and the closest location (determined by a satellite-based global positioning system GPS) to the wireline terminal to which future wireless call can be transferred, the closest wireline terminal to the location of the wireless terminal is selected and wireless calls are transferred to that wireline terminal). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to include the features of determining available wired communication networks to the user, as suggested by Akhteruzzaman, since such a modification would provide the advantage of temporarily direct wireless inbound calls to a wireline terminal (i.e., wired network) when an available wireline terminal is in the vicinity. Furthermore, it would provide the advantage of avoiding wireless airtime charges and/or obtaining a better quality of communication when a wired communications network is available

And, Gupta teaches a mobile communication device that using a built-in GPS receiver has the ability to display local maps and the present position of the communications device to the user in a map (p.0050). Therefore, it would have been obvious to one having ordinary skill in the

art at the time of the invention, to modify the combination to include instructions comprised of a map that indicate to a user a relative location of the wireless communication device, as suggested by Gupta, since such a modification would provide the user with a visual image of its current location that will help to orient the user on traveling to different locations.

Nevertheless, the combination of Souissi with Akhteruzzaman and Gupta does not particularly disclose further comprising instructions stored in the memory executable on the processor to perform the steps of: (1) determining available communication services to the user based on the location of the wireless communication device; (2) determining whether an available communication service is to be used based on one or more of the following user defined conditions of time of day and location; (3) selecting an acceptable available communication service; and (4) forwarding calls to the acceptable available communication service.

However, Contractor teaches a system that determines available services to a user based on his/her location, and determines and selects an available communication service based on the user's location, and forwarding calls to the selected available communication network (Abstract; col. 1, line 50 – col. 2, lines 1-11; col. 7, line 36-col. 8, lines 1-9; the system determines the location of a called party (i.e., user) and determines a proximity of the location of the called party to one or more subscribers locations/predetermined designators, identified by a directory number of a wireline telephone, a public pay telephone, and/or a wireless communication device (i.e., available communication services), then a subscriber location/predetermined designator is identified based on the proximity and the calls are directed (i.e., forwarded) to the identified subscriber location/predetermined designator). Therefore, it would have been obvious to a

person having ordinary skill in the art at the time of the invention, to modify the combination of Souissi, Akhteruzzaman and Gupta to further include instructions for determining available services to a user based on his/her location, and determines and selects an available communication service based on the user's location, and forwarding calls to the selected available communication network, as suggested by Contractor, since such a modification would provide the advantage of selecting a communication service in where the user is more likely to use to receive or make calls based on its present location as desired by the user (col. 8, lines 1-9).

11. **Claims 18 and 19** are rejected under 35 U.S.C. 103(a) as being obvious over Souissi et al. in views of Akhteruzzaman et al., Gupta, Contractor, and Mooney et al. (US 6,944,442 B2).

Regarding claim 18, the combination of Souissi, Akhteruzzaman, Gupta, and Contractor disclose the wireless communication device of claim 26, but the combination does not expressly disclose wherein the instructions are further comprised to send call forwarding instructions to service providers based on conditions set by the user.

However, Mooney teaches a wireless communications device comprising instructions comprised to send call forwarding instructions to service providers based on conditions set by the user (Fig. 8; col. 1, lines 45-48; col. 2, lines 60-66; col. 5, line 47- col. 6, lines 10-31; a wireless telephone is configured by the user to store forwarding numbers of desired alternative telephone devices (i.e., landline telephone) and their locations, then when the wireless device is located within a predefined forwarding area, it retrieves the forwarding number associated with the forwarding area, and connects with a service provider to instruct the enablement of a call forwarding operation). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include instructions comprised

of sending call forwarding instructions to service providers based on the conditions set by the user, as suggested by Mooney, in order for the user to receive or make calls in a desired alternative device and network according to his/her present location and preferences.

Regarding claim 19, the combination of Souissi, Akhteruzzaman, Gupta, and Mooney disclose the wireless communication device of claim 18, in addition Mooney discloses wherein the call forwarding instructions are to forward calls to a particular carrier (col. 1, lines 45-48; col. 2, lines 60-66; col. 5, line 47- col. 6, lines 10-31; the wireless telephone is configured to forward calls to a desired alternative device such as landline telephone/pstn network, when in its proximity).

12. **Claims 20 and 21** are rejected under 35 U.S.C. 103(a) as being obvious over Souissi et al. in views of Akhteruzzaman et al., Gupta, Contractor, Mooney et al., and Benjamin et al. (US 2004/0028057 A1).

Regarding claim 20, the combination of Souissi, Akhteruzzaman, Gupta, Contractor, and Mooney disclose the wireless communication device of claim 18, in addition Mooney discloses the features of call forwarding based on conditions set by the user (see remarks of claim 18), but Mooney does not expressly disclose wherein the conditions are based on lowest cost to operate for a particular communication service.

However, Benjamin teaches wireline telephone have the advantage of having a better quality than mobile cell phones (p.0004, lines 18-22). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the features of forwarding calls based on lowest cost to operate, as suggested by Benjamin, in order for the user to lower expenses on using communication services.

Regarding claim 21, the combination of Souissi, Akhteruzzaman, Gupta, Contractor, and Mooney disclose the wireless communication of claim 18, in addition Mooney discloses the features of call forwarding based on conditions set by the user (see remarks of claim 18), but Mooney does not expressly disclose wherein the forwarding conditions are based on quality of service for a particular carrier (i.e. landline network). However, Benjamin teaches that wireline telephone have the advantage of having a better quality than mobile cell phones (p.0004, lines 18-22). Therefore, it would have been obvious to one having ordinary skill in the art, to modify Mooney to include the features of forwarding calls to a particular carrier (i.e. wireline network) based on a quality of service, as suggested by Benjamin, because forwarding calls to a network with a higher quality ensures that the user will get the best available service for the calls.

13. **Claims 22-23** are rejected under 35 U.S.C. 103(a) as being obvious over Souissi et al. in views of Akhteruzzaman et al., Gupta, Contractor, and Sundar et al. (US 2003/0134650 A1).

Regarding claim 22, the combination of Souissi, Akhteruzzaman, Gupta, and Contractor disclose the wireless communication device of claim 26, but the combination does not expressly disclose wherein the instructions comprise service set identifier numbers of wireless area networks accessible by the user.

However, Sundar teaches a mobile station that is provisioned with SSID of wireless networks to allow the mobile station to detect wireless networks and access valid networks, which are the networks, which SSID are listed in memory of the mobile station (p.0055-0059). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include instructions comprises of service set identifiers

numbers of wireless area networks accessible by the user, as suggested by Sundar, in order minimize the unnecessary scanning for wireless area networks by a mobile station.

Regarding claim 23, the combination of Souissi, Akhteruzzaman, Gupta, and Contractor disclose the wireless communication device of claim 26, but the combination does not expressly disclose wherein the instructions are further comprised to store service set identifier numbers of wireless area networks accessible by the wireless communication device. However, Sundar teaches a mobile station that is provisioned with SSID of wireless networks to allow the mobile station to detect wireless networks and access valid networks, which SSID is stored in memory (p.0055-0059). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination of include the feature of storing service set identifier numbers of wireless area networks accessible by the wireless communication device, as suggested by Sundar, because it will allow the wireless communication device to access wireless networks whose service set identifiers numbers are listed in the memory.

14. **Claim 24** is rejected under 35 U.S.C. 103(a) as being obvious over Souissi et al. in views of Akhteruzzaman et al., Gupta, Contractor, and Bridges et al. (US 6,546,246 B1).

Regarding claim 24, the combination of Souissi, Akhteruzzaman, Gupta, and Contractor disclose the wireless communication device of 26, but the combination does not expressly disclose wherein the instructions are further comprised to store system identification number (SID) and access information of cellular networks accessible by the wireless communication device. However, Bridges teaches a mobile station with a memory that stores a list of preferred wireless carrier identities for use by the mobile station when roaming (abstract, lines 2-4). The list of preferred wireless carrier identities comprises a plurality of entries

indicating a system identification number (SID) and a corresponding frequency band (col.6, lines 7-11) and permits a mobile station to immediately obtain service on a preferred cellular network when the mobile station is roaming (col.8, lines 51-54; col.8, lines 61 – col.9, lines 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the features of storing system identification number (SID) and access information of cellular networks accessible by the wireless communication device, as suggested by Bridges, in order for the mobile station to immediately obtain service from a preferred cellular network when the mobile station is roaming.

15. **Claims 39 and 45** are rejected under 35 U.S.C. 103(a) as being obvious over Contractor in view of Mijares et al. (US 6,330,311).

Regarding claims 39 and 45, Contractor discloses the method (computer-readable medium) of claims 37 and 43, but Contractor does not particularly disclose wherein the forwarding is to a lowest cost to operate communication service. However, Mijares teaches selecting a communication service to forward calls based on the lowest cost to operate (col. 5, line 55-col. 6, lines 1-34). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Contractor to include wherein the calls are forwarded to a lowest cost to operate communication service, as suggested by Mijares, in order for the telephone user to reduce the costs of his/ her telephone bill.

16. **Claims 38, 41, 44, and 47** are rejected under 35 U.S.C. 103(a) as being obvious over Contractor and Sundar et al.

Regarding claims 38, 41, 44, and 47, Contractor discloses the method (and computer-readable medium) of claims 37 and 43, but Contractor does not particularly disclose wherein the storing include service set identifier numbers of wireless area networks accessible by the user.

However, Sundar teaches a mobile station that is provisioned with SSID of wireless networks to allow the mobile station to detect wireless networks and access valid networks, which are the networks, which SSID are listed in memory of the mobile station (p.0055-0059). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include storing service set identifiers numbers of wireless area networks accessible by the user, as suggested by Sundar, in order minimize the unnecessary scanning for wireless area networks by a mobile station.

17. **Claims 40 and 46** are rejected under 35 U.S.C. 103(a) as being obvious over Contractor and Mooney et al.

Regarding claims 40 and 46, Contractor discloses the method (and computer-readable medium) of claims 37 and 43, but Contractor does not expressly disclose further comprising sending call forwarding instructions to service providers based on conditions set by the user.

However, Mooney teaches a wireless communications device comprising instructions comprised to send call forwarding instructions to service providers based on conditions set by the user (Fig. 8; col. 1, lines 45-48; col. 2, lines 60-66; col. 5, line 47- col. 6, lines 10-31; a wireless telephone is configured by the user to store forwarding numbers of desired alternative telephone devices (i.e., landline telephone) and their locations, then when the wireless device is located within a predefined forwarding area, it retrieves the forwarding number associated with the forwarding area, and connects with a service provider to instruct the enablement of a call

forwarding operation). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Contractro to include instructions comprised of sending call forwarding instructions to service providers based on the conditions set by the user, as suggested by Mooney, in order for the user to receive or make calls in a desired alternative device and network according to his/her present location and preferences.

18. **Claim 24** is rejected under 35 U.S.C. 103(a) as being obvious over Contractor in view of Bridges et al.

Regarding claims 42 and 47, Contractor discloses the method (and computer-readable medium) of claims 37 and 43, but Contractor does not particularly disclose further comprising storing access information of cellular networks accessible by the wireless communication device. However, Bridges teaches a mobile station with a memory that stores a list of preferred wireless carrier identities for use by the mobile station when roaming (abstract, lines 2-4). The list of preferred wireless carrier identities comprises a plurality of entries indicating a system identification number (SID) (i.e., access information of cellular networks) and a corresponding frequency band (col.6, lines 7-11) and permits a mobile station to immediately obtain service on a preferred cellular network when the mobile station is roaming (col.8, lines 51-54; col.8, lines 61 – col.9, lines 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify Contractor to include storing information of cellular networks accessible by the wireless communication device, as suggested by Bridges, in order for the mobile station to immediately obtain service from a preferred cellular network when the mobile station is roaming.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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